

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

RONALD M. AYERS §
§
Plaintiff §
§
v. § No. SA-10-CA-612
§
RICARDO ROMO, et al. §
§
Defendants §
§

ORDER REGARDING DEFENDANTS' MOTION FOR RECONSIDERATION

Plaintiff Ronald M. Ayers was formerly an associate professor of economics at the University of Texas at San Antonio. His employment was terminated on July 24, 2008. Plaintiff Ayers, proceeding pro se, filed the original complaint in this case on a printed form furnished by the office of the District Clerk. In his complaint, he alleged that he was deprived of due process of law in connection with that termination, and also that he was the victim of age and gender discrimination. While the complaint was filed pro se, the Plaintiff did not seek leave to proceed *in forma pauperis*. Instead, he paid the filing fee of \$350.

After his case had been pending for several months, Plaintiff Ayers succeeded in obtaining counsel to represent him. His new attorney filed an amended complaint on June 28, 2011 (Docket No. 38). Shortly thereafter a second amended complaint (Docket No. 44) was filed. The Defendants named by the Plaintiff in his second amended complaint were the University of Texas at San Antonio,

three members of its administration (Ricardo Romo, president; Rosalie Ambrosino, provost; and Linda de la Vina, dean), and all nine members of the Board of Regents of the University of Texas system. A few days later, on July 19, 2011, the case was transferred to this Court (Docket No. 47).

On July 28, 2011, this Court entered an Order dismissing Plaintiff's claims against Defendant University of Texas at San Antonio (Docket No. 50). On October 19, 2011, the Court entered an Order regarding the motion of the remaining Defendants to dismiss and for summary judgment (Docket No. 56). The effect of that Order was to dismiss everything except the Plaintiff's claim for prospective relief against all Defendants in their official capacities. The Defendants have moved for "partial reconsideration" of that Order (Docket No. 57).

As counsel for the Defendants points out, six of the Defendants named in their capacities as regents (McHugh; Caven; Barnhill; Huffines; Longoria; and Rowling) no longer serve as members of the Board of Regents of the University System. Accordingly, they lack any authority to grant the injunctive relief requested by the Plaintiff. In addition, the three members of the administration of UT-San Antonio (Romo; Ambrosino; and de la Vina) lack the authority to reinstate the Plaintiff. Only the Board of Regents would possess the authority to grant that relief. The only

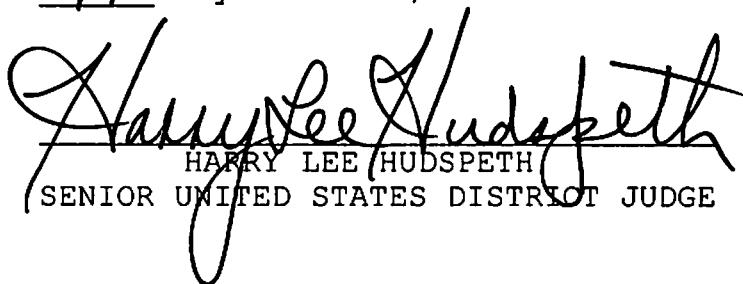
incumbent regents currently named as Defendants are Dannenbaum, Foster, and Gary.

IT IS THEREFORE ORDERED that the Defendants' motion for partial reconsideration (Docket No. 57) be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that the claims asserted by the Plaintiff against Defendants Ricardo Romo, Rosalie Ambrosino, Linda de la Vina, Colleen McHugh, H. Scott Caven, Jr., John W. Barnhill, Jr., James R. Huffines, Janiece Longoria, and Robert Rowling be, and they are hereby, DISMISSED.

IT IS FURTHER ORDERED that any motion for leave to amend the complaint be filed no later than April 2, 2012.

SIGNED AND ENTERED this 19th day of March, 2012.


HARRY LEE HUDSPETH
SENIOR UNITED STATES DISTRICT JUDGE